

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 North 5th Street
Kansas City, Kansas 66101**

In the Matter of:

Midwest Grain Products, Inc.
1300 Main Street
Atchison, KS 66002

) Docket No. CAA-07-2003-0016
) CLEAN AIR ACT
) 42 U.S.C. § 7401 et seq.

COMPLIANCE ORDER

Pursuant to Section 113(a)(3)(B) of the Clean Air Act (the Act), 42 U.S.C. § 7413, as amended, Midwest Grain Products, Inc. (Midwest Grain) is hereby ordered to comply with the requirements of Section 110 of the Act, 42 U.S.C. § 7410, and the Kansas State Implementation Plan and regulations promulgated thereunder. Specifically, the United States Environmental Protection Agency (EPA) orders Midwest Grain to comply with the requirements of the federally enforceable Kansas Administrative Regulation (K.A.R.) 28-19-300 within 90 days of the effective date of this Order.

Section 113(a)(3)(B) of the Act grants EPA the authority to issue an Order to Comply to any person found in violation of Subchapter I of the Act and the regulations promulgated pursuant thereto.

Failure to comply with any of the provisions of this Order may result in an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413. Under Section 113(a) of the Act, the Administrator is authorized to address such a violation as follows:

- a. Issue an administrative penalty Order assessing a civil penalty not to exceed \$27,500 per day of violation;
- b. Bring a civil action for permanent or temporary injunction, or to recover a penalty not to exceed \$27,500 per day of violation, or both; or
- c. Request the Attorney General to commence a criminal action pursuant to Section 113(c) of the Act.

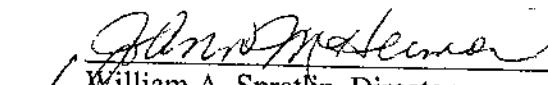
Issuance of this Order does not preclude the State of Kansas or EPA from assessing penalties or taking any other action authorized under the Act. This Order does not affect the obligation of Midwest Grain to comply with all federal, state and local statutes, regulations and permits.

This Order shall become effective immediately upon receipt unless, within five (5) business days of receipt hereof, Midwest Grain submits a written request for a conference with EPA. In such event, the effective date of the Order shall be extended until after the date of such conference to a time to be established by EPA. To request such a conference, contact Ms. Julie Van Horn, Office of Regional Counsel, EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551-7889.

All information and documents submitted by Midwest Grain to EPA pursuant to this Order shall be subject to public inspection unless identified as confidential by Midwest Grain in accordance with the requirements of 40 C.F.R. Part 2. Information and documents so identified will be disclosed only in accordance with the provisions of 40 C.F.R. Part 2. You should read the regulation at 40 C.F.R. Part 2, Subpart B, carefully before asserting a business confidentiality claim, since certain categories of information are not properly subject to such a claim.

Date

11/18/02


William A. Spratlin, Director
Air, RCRA, and Toxics Division